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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,354	10/22/2001	Atsushi Yamada	P 024 9552	8643

7590

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EXAMINER

UPTON, CHRISTOPHER

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

030354

Applicant(s)

Yamada et al

Examiner

Upton

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
 - ☐ received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☒ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3, 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese applications 2000-24632 or 2000-33363 in view of Japanese application 11-179382.

The 2000 series Japanese applications disclose kitchen waste treatment systems having disposals, flow rate controlling tanks, separators, with composters for the solid waste and biological treating devices for the liquid waste, substantially as claimed. The applications do not disclose a split flow distributor and an insect removal device.

It is known to use a trickling type filter having a split flow distributor for biological treatment of treatment of liquid waste from a kitchen, as exemplified by the 11 series Japanese application. This filter has an insect removal device in the form of a steam generator, as recited in claims 2 and 3. It is therefore submitted that it would have been obvious for one skilled in the art to substitute such a trickling filter for the water treatment device of the 2000 series Japanese applications, as a known alternative device for performing the claimed biological treatment.

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3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Steel and McGhee.

Claim 4 differs from the references applied to claim 1 in recitation of the insect removal being temporarily filling the treatment device with water. It is well known to treat a trickling filter in such a manner to remove insects, as disclosed by the Steel and McGhee text. It would therefore have been obvious for one of ordinary skill in the art to use the flooding method to treat the trickling filter of the references applied to claim 1, to remove insects without requiring a steam generator.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Japanese abstract 58-34088.

Claim 5 differs from the references applied to claim 1 in recitation of the insect removal being sprinkling the treatment device. It is well known to treat a trickling filter in such a manner to remove insects, as disclosed by the Japanese abstract. It would therefore have been obvious for one of ordinary skill in the art to use the sprinkling method to treat the trickling filter of the references applied to claim 1, to remove insects without requiring a steam generator.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Other references of interest include Suzuki et al, Ueda, Pugh-Gottlieb, Johnson and Narao.

6. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, appearing to be 'CU' with a stylized flourish.

CHRISTOPHER UPTON
PRIMARY EXAMINER